

Attorney's Docket No.:07319-087001

Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

Claim 36 has been amended to obviate the 35 USC 112, second paragraph rejection.

Claims 5-11 and 29-34 stand rejected under 35 USC 102(b) as allegedly being anticipated by Bornhorst, et al. Claims 5-11 and 29-34 further stand rejected as being anticipated by Hunt, et al. The remaining claims under consideration, claims 12-13 and 36-45, stand rejected as allegedly being obvious over these patents. However, and with all due respect, this contention is respectfully traversed.

Claim 5 requires a method of providing a device which shapes a stage light beam based on a digital signal applied thereto and driving the device using a plurality of electronic gobo layers. At least one of the gobo layers is a gobo image to shape the beam and a second layer is electronic information indicative of a filter for the gobo image formed by the first layer.

Bornhorst, et al. does teach the use of gobos, and specifically, a projection can be shaped by liquid crystal. See generally Bornhorst, et al. column 7, line 49. An image can be used across the projection gate to shape the beam. See column 9

Attorney's Docket No.:07319-087001

lines 40-51. This can apparently be used in place of an analog gobo, see column 10 lines 36-50.

While this does teach driving a device to form a gobo, it teaches nothing about a second electronic layer forming a filter for the gobo. In fact, nowhere is there any teaching or suggestion of "a plurality of gobo layers". While a filter may be used, that filter is a completely separate structural element, and does not form a layer of the signal used to drive the gobo layers.

Moreover, the statement on the top of page 3 that the filter "inherently includes a function of scaling or blurring the gobo image, and an operation applied to specified layers..." is respectively traversed. With all due respect, stating that a feature is inherent within the reference does not support a rejection based on section 102. Section 102 requires that these features be specifically described within the reference, which according to the admission at the top of page 3 is not the case. In any case, nowhere is there any teaching, suggestion, or even inherent disclosure about the features of multiple gobo layers, one of which is a shape and the other of which is a filter.

Claim 6 requires that the filter cause scaling of the gobo image which is not disclosed by Bornhorst, et al. Claim 7 requires that the filter decays the gobo image, again not disclosed by Bornhorst, et al. Claim 8 requires that the filter

Attorney's Docket No.:07319-087001

blurs the gobo image which is not disclosed by Bornhorst, et al. Claim 9 requires that the filter simulates optical glass in an analog gobo, and Bornhorst, et al. suggests nothing about this. Claim 10 describes an arithmetic combination of information, again unsuggested by Bornhorst, et al. Claim 11 defines the form of the arithmetic combination. None of this is suggested by the cited prior art.

Claim 29 requires defining a gobo to be displayed "as a multilayered image". As described above, Bornhorst, et al. teaches a single image or video being used to drive the gobo. It never teaches a multilayered image. Moreover, there is no teaching or suggestion of an image, where at least one of the layers represents a gobo and at least another layer represents an effect for the gobo. Claim 29 should therefore be allowable for these reasons.

Claim 30 requires that the gobo is defined by an image file, and all other layers modify that image file. Bornhorst, et al. does not disclose this operation. Claims 31-34 define additional features that are not disclosed by Bornhorst, et al. For claims 32-34, there is quite simply no teaching whether the operation is applied to only some layers or all layers, since there is no teaching of layers in the first place.

Finally, to the extent this attempts to read on Bornhort's analog gobos, with all due respect, it is respectfully

Attorney's Docket No.:07319-087001

traversed. The claim is specific to requiring a digital signal, a gobo image, and that the second layer changes the image. This expressly excludes analog gobos. Claims 5 and 29, moreover, have been amended to clarify that the image is an "electronic image of a gobo" - thus distinguishing over Bornhorst's analog gobo.

Hunt, et al. teaches only a system with multiple analog gobo wheels. There is no disclosure of the gobo layers forming a "gobo image" and the second layer operating to change the image of the first layer. Similarly, disclosure of the features in claim 29 of a multilayered image.

Claims 12, 13, 36-45 are also allowable. Claim 12 defines a manual having different parts that represent the different gobos, adding filters for the gobos to the manual, and allowing selection of any of the filters or gobos over a common user interface. The mere statement that the lighting system is "programmable" does nothing to suggest the manual or the common user interface. The storage means for storing the arrangement does not suggest the claimed manual. In fact, Bornhorst, et al. teaches nothing about separate gobos and filters, much less a manual from which these can be selected. There is further no suggestion of the filter being one that scales, decays, or blurs the image as is required by claim 13. Therefore, the specific aspects of the manual are further patentable over Bornhorst, et

Attorney's Docket No.:07319-087001

al.

Claim 38 defines the specific arrangement of the gobos in a tree structure with more common gobos kept toward the bottom. This is not suggested by the prior art.

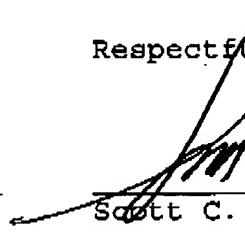
Similarly, the manual of claim 12 and the tree of claim 38 is patentable over Hunt, et al. Hunt, et al. teaches only an analog gobo system, and it is certainly not inherent that there is a manual in such an analog system. Therefore, the manual describing the gobos are even further patentable over Hunt, et al.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Attorney's Docket No.:07319-087001

Applicant asks that all claims be allowed. Please apply a Petition for Extension of Time fee for two months and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 7/8/05

Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10537211.doc